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August 6, 2012

**VIA ECF**

The Honorable Kiyo A. Matsumoto  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Lodge v. United Homes, LLC, et. al.*  
*Case No. 05 Civ. 187 (KAM)(RLM)*

Dear Judge Matsumoto:

We represent defendants Bayview Loan Servicing, LLC, Bayview Asset Management, LLC, U.S. Bank, N.A. as trustee for Bayview Asset-Backed Securities Trust Series 2007-30, Bayview Financial, L.P., and Bayview Financial Management Corp. (collectively, the "Bayview Defendants") in the above-referenced action. As directed, together with counsel for plaintiff Mary Lodge ("Lodge"), we are writing to Your Honor with a status of our settlement discussions.

With respect to the mortgage foreclosure issue, we are pleased to inform Your Honor that we have resolved the outstanding issues between Mrs. Lodge and the Bayview Defendants and have completed drafting a settlement agreement, which shall be signed by Mrs. Lodge and the Bayview Defendants.

With respect to the Clerk's Judgment dated and entered on August 2, 2012 for attorneys' fees and costs against the Bayview Defendants and the other defendants in the action, jointly and severally (Dkt. No. 702), it is respectfully submitted that the Clerk's Judgment is entered in error against the Bayview Defendants and should be vacated.

The motion upon which the Clerk's Judgment is based is the result of a jury verdict and judgment founded upon liability under New York General Business Law §349. It is submitted that there was no jury verdict against the Bayview Defendants, nor is there a resulting judgment against the Bayview Defendant. By virtue of that fact, there can be no judgment against the Bayview Defendants for attorneys' fees and costs.

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Thank you for your patience and assistance in this matter. We are available for a conference with the Court if Your Honor so desires.

Respectfully submitted,

*/s/ Timothy J. Fierst*

Timothy J. Fierst

TJF:me

cc: All Counsel (Via ECF)